



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Delegate Marcus B. Simon, Vice-Chair

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November 17, 2020

2:00 PM

Virtual Meeting

[Click here to access the meeting.](#)

[Public Comment Registration](#)

PROPOSED AGENDA (Annotated)

**Criminal Incident Information Subcommittee
of the Virginia Freedom of Information Advisory Council**

1. **Call to Order, introduction of members.**
2. **Bill referred by the 2020 Special Session I of the General Assembly.** *The following bill was referred to the subcommittee for study, as summarized below.*
 - **House Bill 5090. Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal investigative files.** Adds criminal investigative files, defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill also allows a law-enforcement agency or attorney for the Commonwealth to petition a court of record for permission not to release criminal incident information that would otherwise be subject to release, if the release of such information is likely to jeopardize an ongoing investigation or cause certain other harms.
 - *Draft Bill (LD 21100252) prepared by staff for discussion as directed by the Subcommittee at its last meeting on October 21, 2020.*
3. **Public Comment.**
4. **Discussion.**
5. **Recommendations.**

6. Other Business.

7. Adjournment.

Subcommittee Members

**Delegate Marcus Simon
Shawri King-Casey
Matthew Conrad**

**Marisa Porto
Cullen Seltzer**

Staff

Alan Gernhardt, Esq., Executive Director
Ashley Binns, Esq., Attorney